

**\*OGC Has Reviewed\***

MEMORANDUM FOR: Deputy Director (Administration)

SUBJECT : Reassignments of Messrs. Marshall Chadwell and  
25X1A9a [REDACTED], Office of Scientific Intelligence

1. In connection with the above subject, the Director has apparently raised certain questions concerning both the legality and the appropriateness of the attached Personnel Actions. The background concerning the decision to request the Congress for repeal of Section 9 of Public Law 110 is contained in Tab A to this memorandum.

2. Although there appeared to be some saving provisions in the so-called "Fringe Benefits Act," Public Law 763, which contained the repeal of Section 9, it was the opinion of this office, as confirmed by the General Counsel of the General Accounting Office, that those saving provisions were not applicable. Therefore, as of the date of approval of Public Law 763, 1 September 1954, the authority for the three positions under Section 9 no longer existed.

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3. Based on our understanding that it was desired the salaries of Messrs. Chadwell and [REDACTED] be retained at the same level, it was our opinion that the Director possessed legal authority to establish two positions at such salaries based on inherent authorities contained in Public Law 110 and in consideration of the fact that this Agency is specifically exempted from the provisions of the Classification Act of 1949. This matter was discussed with the General Counsel of the General Accounting Office who concurred in our legal opinion. In effect, therefore, if the Director desired to retain the salaries at the same level, he would make an appropriate determination that the two individuals concerned should be appointed at the respective salary levels. The appointments should not relate themselves to GS grades as such since the salaries are not consistent with the general schedule.

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[REDACTED]  
Acting General Counsel

Att.

OGC/JSW:mm

2 - addressee

1 - OGC subject

1 - chrono

# MISSING PAGE

ORIGINAL DOCUMENT MISSING PAGE(S):

Attachment